

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOYCE M. JOHNSON,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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No. 4:06-CV-1287 CAS

ORDER

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge Terry I. Adelman, filed August 10, 2007. See 28 U.S.C. § 636(b). The Magistrate Judge recommended that the decision of the Commissioner denying plaintiff's application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401, et seq., be affirmed.

Plaintiff has filed objections to the recommendation, asserting that the Magistrate Judge erred by (1) failing to consider the side effects of plaintiff's medications as non-exertional limitations, and (2) failing to find that the Administrative Law Judge (ALJ) erred in his evaluation of plaintiff's credibility.

The Court has carefully reviewed the record of this matter. The Court concludes that the ALJ properly considered and rejected plaintiff's evidence concerning the side effects of her medications, and properly evaluated plaintiff's credibility. Plaintiff challenges the ALJ's "failure to make a finding regarding the CDI report" as reflecting the "erroneous nature of [the] entire credibility determination." Objections at 2. The Court disagrees. The fact that the ALJ declined to "attach[]

much weight to” (Tr. 19) this potentially damaging surveillance videotape evidence of plaintiff’s activities does not support the conclusion that the ALJ failed to properly evaluate plaintiff’s credibility.


After de novo review of the matter, the Court concurs with the recommendation of the Magistrate Judge.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 17]

IT IS FURTHER ORDERED that the decision of the Commissioner denying plaintiff’s application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401, et seq., is **AFFIRMED**.

An appropriate judgment will accompany this order.


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 28th day of August, 2007.